COMMANDERS DIGEST

DEPARTMENT OF DEFENSE • WASHINGTON, D.C.

Vol. 7, No. 12 December 20, 1969

Announces 50,000 Troop Reduction

President Reviews Peace Prospects, Vietnamization

President Nixon gave a progress report Dec. 15 on this country's plan "to bring a just peace in Vietnam," which he described in his television address on Nov. 3. The President announced a further reduction of 50,000 U.S. troops from Vietnam.

Following are the President's prepared remarks:

As you will recall, I said then that we were proceeding in our pursuit for peace on two fronts—a peace settlement through negotiation, or if that fails, ending the war through Vietnamization, a plan we have developed with the South Vietnamese for the complete withdrawal first of all U.S. combat ground forces and eventually of other forces and their replacement by South Vietnamese forces on an orderly scheduled timetable.

I must report to you tonight with regret that there has been no progress whatever on the negotiating front since November 3. The enemy still insists on a unilateral, precipitate withdrawal of American forces and on a political settlement which would mean the imposition of a Communist government on the people of South Vietnam against their will, and defeat and humiliation for the United States.

This we cannot and will not accept.

Typical of their attitude is their absolute refusal to talk

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President Nixon has directed Secretary of Defense Melvin Laird to go to Vietnam in early February. Secretary Laird said the President wants him to "assess the situation as it affects our security, the security of American forces, and also to assess the level of military activity on the part of the enemy and the infiltration from the north." Mr. Laird has asked General Earle G. Wheeler, chairman of the Joint Chiefs of Staff, to accompany him.

(See comments by Secretary Laird on page 3)

Talks With Troops

Postmaster General Tours Far East Bases

Mail from home rates right along with food and ammunition as a high priority item with servicemen in the Far East.

That word comes direct from Postmaster General Winton M. Blount who visited the Far East for two weeks during November "to check on the military mail for our troops, both in Vietnam and Korea, and also to visit with our individual troops."

He said he talked with more than 1,000 troops while there and also visited Japan for the 26th Congress of the Universal Postal Union.

"In Vietnam," he said, "I was principally interested in what happened out

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ANOTHER TOUR—Vice Admiral H. G. Rickover, USN, has agreed to serve to serve an additional two years in the Navy Nuclear Propulsion Program. His new tour will run until January 1972.

CHAMPUS Program

Civilian Health Care Offered Dependents

An elusive and strangely frustrating situation for the Department of Defense medical team is prevalent today and it —as well as members of Congress— would like to see the problem solved.

Generally, this problem deals with a large percentage of the military population who are eligible for health care benefits from Uncle Sam under the provisions of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

The Armed Forces are responsible for the health care of an estimated 10 million people who are eligible for medical care in about 240 fixed hospitals and 465

(Continued on Page 2)

Minimal Cost Health Care Available Through CHAMPUS Program

(Continued from Page 1)

fixed dispensaries worldwide. But in addition to this, the CHAMPUS program is designed to supplement the Armed Services medical efforts and makes available at a minimal cost health care for eligible beneficiaries through civilian sources.

The problem plaguing officials is that many dependents and retirees have not—and do not—keep in touch with new programs designed to help them. As a consequence, many eligible persons do not realize they qualify for these benefits—or perhaps even know they exist.

A Defense Department medical official put it this way: "All of the military population that has rights under this program—CHAMPUS—does not realize what these rights are, and as a result people who should be getting the benefits are not receiving them because they don't know they have them coming."

A widely-circulated pamphlet (DOD PA 3B) published by the Office of Information for the Armed Forces (OASD-M&RA) contains 39 pages of helpful information on the program. For instance, the introduction states in part: ". . . The new program of outpatient care in civilian facilities became effective 1 October 1966, for the wives, children, and dependent husbands of members of the Uniformed Services serving on active duty pursuant to a call or order that does not specify a period of 30 days or less.

"The new program of civilian inpatient care for these dependents became effective 1 January 1967. Civilian inpatient and outpatient care for retired members, their wives or dependent husbands and children, and the wives or dependent husbands and children of members who died while on active duty or in a retired status, became effective on 1 January 1967.

"Space available care of dependents of active duty personnel, retired personnel and their dependents, and dependents of deceased personnel in Uniformed Services facilities continues as in the past although new health benefits were added effective 1 January 1967."

Other major chapters in the pamphlet explain the non-discrimination policy; eligibility; how changes in status affect eligibility; identification, care in Uniformed Services facilities; care in civilian facilities, Veterans Administration care; civilian care for handicapped active duty dependents; how to obtain more information; who the fiscal agents are and a chapter on hospital contractors.

For information on the program a beneficiary can write to Civilian Health and Medical Program of the Uniformed Services, Department of the Army, Denver, Colo., 80240. Or information is available at the hospital or personnel office on any military installation.

In addition each Service has detailed information published in a joint regulation, "Uniformed Services Health Benefits Program," identified by the individual Uniformed Services as follows: Department of Army, AR 40–121; Department of Navy, SECNAVINST 6320.8 Series; Department of Air Force, AFR 168–9; Coast Guard, CG COMDINST 6320.2A; Public Health Service, PHS Gen Cir No. 6, and Environmental Science Services Administration, ESSA CO–4.

In testimony prepared by Dr. Louis M. Rousselot, Deputy Assistant Secretary of Defense for Health Affairs, and presented Dec. 3 before the Subcommittee on Supplemental Service Benefits of the House Armed Services Committee, it was explained how the Defense Department operates a wide variety of health care programs and that outlays for medical and health-related activities for this fiscal year (1970) are expected to total $2.007 billion.

The testimony continued: "We have a comprehensive program of health care for active duty members of the armed forces and their dependents and for retired members and their dependents and the survivors of deceased members.

"U.S. civilian employees overseas and their dependents are also provided care in our facilities. Civilian employees in the United States who suffer occupational injury or illness are also provided care in limited circumstances . . ."

It was pointed out that during Fiscal Year 1969 the following workload was generated in military facilities: admissions, 1.2 million; beds occupied on an average day, 43,610; outpatient visits, 53.3 million and live births, 146,145.

On the subject of dental care for dependents, it was explained that a dependent dental care survey had been made and that the major findings were the following:

1. The transient status of military families generates difficulties, both in the selection of civilian dentists and in execution of a treatment program.

2. Dependents of military personnel in the lower enlisted ranks had serious difficulties in obtaining dental care.

3. The cost of dental care is the greatest single obstacle to the fulfillment of dependent dental care needs. For example, 25 per cent of the military respondents stated that in their view their dependents did not get the dental care they had needed the previous year. Of these respondents, 82 per cent cited cost as the main reason why adequate care was not obtained.

It should be explained that there is a certain amount of dental work performed for dependents because treatment may be necessary for the over-all medical treatment of a certain circumstance—or it might be oral surgery performed on the victim of an accident. There also is dental care in all overseas dental installations for dependents.

TECHNICAL ADVICE—Naval adviser EN1 Jimmie Hughes of Coastal Group 11 instructs a Vietnamese engineer in the repair of a boat engine.

Secretary Laird Explains U.S. Troop Reductions In RVN Since January

Secretary of Defense Melvin Laird held a news briefing Dec. 16 to make additional comments concerning the Vietnamization program and reduction of U.S. forces in Vietnam.

Following are highlights from his opening remarks:

Last year at the Christmas period the troop ceiling in Vietnam was 549,500. Following the President's meeting with President Thieu at Midway in June, the President announced a reduction in the troop ceiling to 524,500. Then following this, in September, the President announced a further reduction in the authorized ceiling, with the objective of reaching an authorized ceiling of 484,000 in December, and last night the further announcement was made by the President to reduce that troop ceiling to 434,000 effective April 15, 1970.

This makes a total reduction which has been announced in the authorized troop ceiling of 115,500 since the Vietnamization program started on July 1.

As you know, our actual strength in Vietnam as of December 15, was 472,500. I want to make this very clear: this figure fluctuates as long as it is below the ceiling figure. Of course, this year as in the past, some of the troop replacements in the pipeline going to Vietnam were held back because of the Christmas period, and this figure of 472,500 could fluctuate and go up or down, but the important figure that we use for planning purposes, I am sure all of you who cover the Pentagon realize, is the authorized troop ceiling figure. I think it's important for us to understand that the strength figure does vary from one to two per cent below that (ceiling) figure but the figure that we use for planning purposes has always been the authorized troop ceiling.

Just prior to the completion of the Phase II Vietnamization redeployments on December 15, we were able to return home all of the National Guard troops and all of the Reserve troops that had been called to duty for Vietnam service.

At this very time, the President is meeting with representatives of each of these units that did service in Vietnam, and I wish to join with him in wishing these Reserve and National Guard troops that have returned home so that they can be with their families during this Christmas period, not only a very Merry Christmas, but I also wish to express to them our deep appreciation for a job well done. This was important, we thought, to see that they were all returned to the United States so that they could be with their families during the holiday period.

This makes our force in Vietnam, with the exception of draftees, a completely volunteer force now and the Reserve units and the National Guard units no longer are on duty in Vietnam.

Looking ahead now as to the implementation of President Nixon's announcement of last night, I have directed that there be a third redeployment conference to be convened early next month at the headquarters of Admiral Jack McCain, Commander-in-Chief of the Pacific, at Camp Smith in Hawaii. That conference will take place immediately following the start of the new year.

I want to express at this time how extremely proud I am as Secretary of Defense in the manner in which Admiral McCain and General Creighton Abrams, together with the commissioned and noncommissioned officers of their staffs, have put their shoulders to the wheel on this Vietnamization program since its start following the Midway conference in July. We have made real progress and it is moving forward ahead of schedule.

. . . I want to add a word of caution about the Vietnamization program. I think that there are some people, when they talk of the Vietnamization program, that indicate that every battle, every activity that goes on in Vietnam will meet with success. Now, it's true that in the major encounters that we have had recently in Vietnam, the forces of the South Vietnamese have been extremely successful. But I do not want anyone to assume that those forces will never suffer a defeat in any battle, because in a war such as this, there will be times when they will suffer some setbacks. We must be prepared for those temporary setbacks, and I hope that the success that we have recently been having will not be disturbed by a temporary setback should one occur at some future time.

The President's announcement last night, of course, marks the completion of another significant milestone in President Nixon's program for peace which, as all of you know, is a two-phased program. It combines negotiations in Paris with Vietnamization, as far as Vietnam is concerned.

MANPOWER AUTHORIZATION CEILING

(SPACES)

January—June	549,500
August	524,500
December	484,000
April 15, 1970	434,000
TOTAL REDUCTION	115,500

COMMANDERS DIGEST

THIS PUBLICATION CONTAINS OFFICIAL INFORMATION, NEWS AND POLICY, DIRECT FROM WASHINGTON AUTHORIZED SOURCES.

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Chemical, Biological Policies

REDUCING THE TERROR OF WAR

When President Nixon announced new U.S. policies on chemical and biological defense on Nov. 25, many U.N. delegates and commentators in the U.S. and abroad hailed his statement as an important step toward peace.

The President announced that the U.S. renounces the use of all methods of biological warfare, reaffirmed that the U.S. will not be the first to use lethal chemical weapons, and said that he will submit the Geneva Protocol of 1925 to the Senate for ratification.

The renunciation of the first use of lethal chemical weapons extends to incapacitating agents. The U.S., however, excludes herbicides and riot control agents such as tear gas widely used for domestic purposes. The U.S. does not consider smoke, flame and incendiary weapons (Napalm) to be prohibited by the Geneva Protocol.

Below is the text of the President's remarks on announcing the chemical and biological defense policies and programs.

I have just completed a meeting with the Legislative leaders of the House and the Senate, the Foreign Relations and the Armed Services Committees.

In that meeting, we discussed some major initiatives in the disarmament field, initiatives that are the result of decisions that have been made after a Security Council meeting that was held last week.

I would like to summarize the decisions that have been made as a result of the Security Council meeting and the meetings with the Legislative Leaders, and also to indicate the actions that we hope will be taken by the Senate to affirm the decisions that the Administration has made.

The United States is taking two steps today toward advancing the cause of peace and reducing the terror of war. Since this Administration took office, the National Security Council has been reviewing our policy regarding chemical warfare and biological warfare. This has been the first thorough review ever undertaken of this subject at the Presidential level.

I recall during the eight years that I sat on the National Security Council in the Eisenhower Administration that these subjects, insofar as an appraisal of what the United States had, what our capability was, what other nations had, were really considered taboo.

And it was felt when we came into the Administration that we should examine all of our defense policies and defense capabilities, because it has always been my conviction that what we don't know usually causes more fear than what we do know.

What we have tried to do in this examination by the Security Council, an unprecedented examination, is to find the facts and to develop the policies based on the facts as they are, rather than on our fears as to what the facts might be.

On the basis of this review, I made a number of decisions which I believe will sharply reduce the chance that these weapons, either chemical or bacteriological, will ever be used by any nation.

Chemical Warfare Policy

First, in the field of chemical warfare, I hereby reaffirm that the United States will never be the first country to use chemical weapons to kill. And I have also extended this renunciation to chemical weapons that incapacitate.

'Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples that we set today, we hope to contribute to an atmosphere of peace and understanding between all nations.'

I am asking the United States Senate for its advice and consent in the ratification of the Geneva Protocol of 1925, which prohibits the first use in war of chemical warfare weapons.

Since 1925, this proposal has been affirmed by the United

States as a matter of policy, but never approved by the United States Senate.

And I have asked the Leaders this morning to expedite action in this field.

These steps should go a long way towards outlawing weapons whose use has been repugnant to the conscience of mankind.

Biological Warfare Policy

Second, biological warfare, which is commonly called germ warfare: this has massive, unpredictable and potentially uncontrollable consequences. It may produce global epidemics and profoundly affect the health of future generations.

Therefore, I have decided that the United States of America

'Germ warfare . . . has massive, unpredictable and potentially uncontrollable consequences. It may produce global epidemics and profoundly affect the health of future generations.'

will renounce the use of any form of deadly biological weapons that either kill or incapacitate.

Our bacteriological programs in the future will be confined to research in biological defense on techniques of immunization and on measures of controlling and preventing the spread of disease.

I have ordered the Defense Department to make recommendations about the disposal of the existing stocks of bacteriological weapons.

This program of research and development, incidentally, can have a very important byproduct for the United States and for the world, because we thereby, we think, can break new ground with regard to immunization for any kind of diseases that might spread, whether nationally or internationally.

Supports Draft Convention

The United States positively shall associate itself with the principles of the Draft Convention prohibiting the use of biological weapons of warfare presented by the United Kingdom

'I hereby reaffirm that the United States will never be the first country to use chemical weapons to kill. And I have also extended this renunciation to chemical weapons that incapacitate.'

and the U.N. Eighteen Nation Disarmament Conference on August 26, 1969.

Up to this time, only Canada has indicated support of this United Kingdom initiative.

The United States, as of today, now indicates its support of this initiative and we hope that other nations will follow suit.

Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples that we set today, we hope to contribute to an atmosphere of peace and understanding between all nations.

Shaping the New Policy

In his statement on the new chemical and biological defense policies, the President pointed out that many agencies had participated in shaping the decisions made. He said:

"Soon after taking office I directed a comprehensive study of our chemical and biological defense policies and programs. There had been no such review in over fifteen years. As a result, objectives and policies in this field were unclear and programs lacked definition and direction.

"Under the auspices of the National Security Council, the Departments of State and Defense, the Arms Control and Disarmament Agency, the Office of Science and Technology, the Intelligence Community and other agencies worked closely together on this study for over six months. These government efforts were aided by contributions from the scientific community through the President's Scientific Advisory Committee.

"This study has now been completed and its findings carefully considered by the National Security Council. I am now reporting the decisions taken on the basis of this review."

President Reviews Peace Prospects, Vietnamization

(Continued from Page 1)

about the fate of the American prisoners they hold and their refusal even to supply their names so as to ease the anguish of their loved ones in the United States. This cruel indefensible action is a shocking demonstration of the inflexible attitude they have taken on all issues at the negotiating table in Paris.

But despite their attitude, we shall continue to participate in the Paris talks and to seek a negotiated peace—one which is fair, fair to North Vietnam, fair to the United States, but most important, fair to the people of South Vietnam. Because as I have indicated, anything is negotiable except the right of the people of South Vietnam to determine their own fate.

As you know, Ambassador Lodge has had to leave his assignment in Paris because of personal reasons. I have designated Philip Habib, one of our most experienced foreign service officers who has been participating in the negotiations for over 18 months, as the acting head of our delegation with the personal rank of Ambassador. He has been given full authority to discuss any proposal that will contribute to a just peace.

Let me turn now to the progress of our plan for Vietnamization and our troop withdrawal program.

When I announced this program in June, I said that the rate of withdrawal would depend on three criteria—progress in the Paris negotiations, progress in the training of South Vietnamese forces and the level of enemy activity.

Now, while there has been no progress on the negotiating front, I have a much more favorable report to give to you tonight with regard to the training of South Vietnamese forces.

First, let me share with you how I reached this conclusion. In making decisions, I believe a President should listen not only to those who tell him what he wants to hear, but to those who tell him what he needs to hear. It is most important to get independent judgments from individuals who are expert on the factors to be considered but who are not directly involved in the operations themselves. This is particularly essential when the lives of American men are involved.

Several months ago I read a book by Sir Robert Thompson, a British expert who was one of the major architects of the victory over the Communist guerillas who attempted to take over Malaya in the 1950s. In his book, which was published just as this Administration took office, he was very pessimistic about the conduct of the war in Vietnam. He particularly noted the failure to prepare the South Vietnamese to take over their responsibilities for their own defense.

On October 7 I met with Mr. Thompson and asked him to go to Vietnam and give me a firsthand, candid and completely independent report on the situation there. After five weeks of intensive investigation he gave me his report on December 3.

His full report, which makes several very constructive recommendations, must remain confidential since it bears on the security of our men. But let me read to you from his summary of his findings.

"I was very impressed by the improvement in the military and political situation in Vietnam as compared with all previous visits and especially in the security situation, both in Saigon and the rural areas.

"A winning position in the sense of obtaining a just peace (whether negotiated or not) and of maintaining an independent, non-Communist South Vietnam has been achieved but we are not yet through. We are in a psychological period where the greatest need is confidence, a steady application of the 'do it yourself' concept with continuing U.S. support in the background will increase the confidence already shown by many South Vietnam leaders."

There is one disturbing new development, however, with regard to enemy activity. Enemy infiltration has increased substantially. It has not yet reached the point where our military leaders believe the enemy has developed the capability to mount a major offensive, but we are watching the situation closely to see whether it could develop to that exent.

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

Now for the decision. Taking all these developments into consideration, I am announcing tonight a reduction in our troop ceiling of 50,000 more U.S. troops by April 15 next year. This means that the ceiling which existed when I took office on January 20 has now been reduced by 115,500 men. This reduction has been made with approval of the government of South Vietnam, and in consultation with the other nations which have combat forces in Vietnam.

Now there are some who believe that to continue our withdrawals at a time when enemy infiltration is increasing is a risk we should not take. However, I have consistently said we must take risks for peace.

And in that connection, let me remind the leaders in Hanoi that if their infiltration and the level of enemy activity increases while we are reducing our forces they also will be running a risk. I repeat the statement I made in my speech on November 3.

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces

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(Continued from Preceding Page)

in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

This reduction in our forces is another orderly step in our plan for peace in Vietnam.

—It marks further progress toward turning over the defense of South Vietnam to the South Vietnamese.

—And it is another clear sign of our readiness to bring an end to the war and to achieve a just peace.

Before concluding this report, I wish to express my appreciation to the great number of people from all over the nation who have indicated their support for our program for a just peace since my speech on November 3.

This support was particularly underlined by the action of the House of Representatives and the Congress in which a majority of both Democrats and Republicans voted overwhelmingly 334 to 55 for a resolution supporting the plan for peace which I announced on November 3.

The leaders in Hanoi have declared on a number of occasions that division in the United States would eventually bring them the victory they cannot win over our fighting men in Vietnam. This demonstration of support by the American people for our plan to bring a just peace has dashed those hopes.

Hanoi should abandon its dream of military victory.

It is time for them to join us in serious negotiations.

There is nothing to be gained by delay.

If Hanoi is willing to talk seriously they will find us flexible and forthcoming.

I am glad that I was able to report tonight some progress in reaching our goal of a just peace in Vietnam. After five years of increasing the number of Americans in Vietnam, we are bringing American men home.

Our casualties continue to be at the lowest rate in three years.

But I want you to know that despite this progress, I shall not be satisfied until we achieve the goal we all want—an end to the war on a just and lasting basis.

This is the fifth Christmas when Americans will be fighting in a war far away from home.

I know that there is nothing the American people want more and there is nothing I want more than to see the day come when the Christmas message of "Peace on Earth, Good Will to Men" will be not just an eloquent ideal but a reality for Americans and for all others who cherish peace and freedom throughout the world.

Your continued support of our plan for peace will greatly strengthen our hopes that we can achieve that great goal.

Postmaster General Blount Tours Far East Bases

(Continued from Page 1)

on the end of the line with our mail service for our troops. I visited four or five bases; two next to the Cambodian border and two up in the First Corps of the Marine area.

"I was real pleased to find that consistently these men would say that they have been getting their mail from the United States in five or six days. I stated that that is sometimes better than we do from Washington to New York, as a matter of fact."

REPORTS TO PRESIDENT NIXON

The Postmaster General reported to President Nixon on his return from the Far East and held a news conference that same morning.

Discussing the priority which mail from home has for the troops, Mr. Blount noted, "there is nothing better for morale than mail from home and it has a priority right behind food and ammunition."

The Postmaster General then reported on an experience he had on arrival in Vietnam. ". . . I arrived in South Vietnam two days after the President's November 3 speech and I had a chance to assess the reaction there. Of course, as you expect, the generals I talked with —and I talked with General Abrams (Gen. Creighton W. Abrams, COMUSMACV) and eight or ten other generals and Ambassador Bunker (Ambassador Ellsworth Bunker, U.S. Ambassador to the Republic of Vietnam)—were consistently, extremely enthusiastic about the speech.

REACTION

"But more importantly, I think, was the reaction of our men. As I stated earlier, I talked with more than 1,000 of them at these various bases. The reaction from them was one of solid support for the President. They said time and again that 'we are kicking the hell out of Charley and now is not the time to quit'.

"They expressed their own feelings about the demonstrations in the United States which they did not understand and they said they did not agree with."

Postmaster General Blount said the morale of the men is high and then added: "Out in these far bases, without any communication, being out there for weeks and sometimes months at a time, they get hot food every day. As I stated, they get their mail every day, five or six days from anywhere in the United States."

VISITS SOUTH KOREA

Turning to South Korea, Mr. Blount said he visited with General Kim who commands the 25th Division of Korean troops on the American sector of the DMZ. He said General Kim had been in Vietnam since 1965 and just returned last year. "He was extremely optimistic, Mr. Blount said, "about the ability of the Vietnamese to take over the responsibility of fighting themselves."

He told Mr. Blount he was able to talk to the South Vietnamese better than the Americans because he was an Asian. He said he had the same situation in South Korea back in the early 50's.

U.S. Criminal Jurisdiction Overseas Termed 'Generally Satisfactory'

The 16th Annual Department of Defense review of criminal jurisdiction arrangements in NATO and other countries has been presented to a Senate Armed Services subcommittee.

The review covers the period from Dec. 1, 1967 to Nov. 30, 1968.

The Department of Defense was represented by Benjamin Forman, Assistant General Counsel, and Brigadier General Harold E. Parker, Army Assistant Judge Advocate General for Military Law.

Following are excerpts from Mr. Forman's statement before the subcommittee:

The operation of our criminal jurisdiction arrangements continues to be generally satisfactory, and our commanders in the field advise that the accomplishments of their missions during the reporting period have not been adversely affected. With the exception of the same two countries referred to in the past two presentations—The Philippines and Turkey—the commanders also report that morale has not been adversely affected. In those two countries, there again is a division of opinion among the Army, Navy, and Air Force commanders as to the effect on morale.

The rate at which foreign authorities granted waivers on their primary right

Benjamin Forman
Assistant General Counsel

to exercise jurisdiction over U.S. military personnel remained high. The waiver rate world wide for the reporting period was 83.5 percent as compared to 84.4 percent for the prior reporting period. The waiver rate of NATO countries was 94.8 percent as compared to 93.4 percent for the preceding period.

. . . I would like to alert the committee to the possible implications of the case of **O'Callahan v. Parker** which was decided by the Supreme Court on June 2, 1969. The Court held in that case that a member of the Armed Forces could not constitutionally be court-martialed for attempted rape off-base in peacetime within the United States, on the ground that a court-martial from a non-service connected offense deprives him of his constitutional rights to indictment by grand jury and trial by petit jury in a civilian court.

We do not read the opinion as necessarily extending to military personnel overseas who commit what are basically civilian offenses. However, it may be foreseen that a test case will be brought by a member of the Armed Forces court-martialed overseas for a civilian offense. Parenthetically, it should be noted that in (another) case, the Court of Military Appeals relied on what it called the spirit of O'Callahan. If the Supreme Court applies the O'Callahan precedent to the overseas cases, the exercise of U.S. jurisdiction under status of forces agreements would be constitutionally limited to military offenses and the host countries would have exclusive jurisdiction over civilian crimes. If so, the number of foreign trials would increase manyfold.

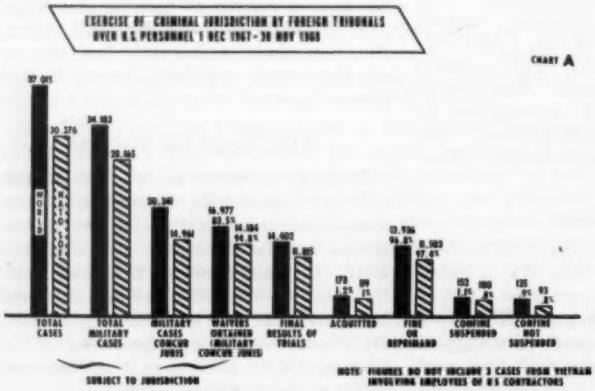
EXERCISE OF CRIMINAL JURISDICTION BY FOREIGN TRIBUNALS OVER U.S. PERSONNEL 1 DEC 1967 - 30 NOV 1968
CHART A
TOTAL CASES
TOTAL MILITARY CASES
MILITARY CASES CONCUR JURIS
WAIVERS OBTAINED (MILITARY CONCUR JURIS)
FINAL RESULTS OF TRIALS
ACQUITTED
FINE OR REPRIMAND
CONFINE SUSPENDED
CONFINE NOT SUSPENDED
SUBJECT TO JURISDICTION
NOTE: FIGURES DO NOT INCLUDE 3 CASES FROM VIETNAM INVOLVING EMPLOYEES OF U.S. CONTRACTORS

Chart A provides an over-all picture of the exercise of foreign criminal jurisdiction over United States defense personnel and their dependents during the current reporting period, Dec. 1, 1967 through Nov. 30, 1968. The chart contains world-wide figures and parallel figures for NATO-SOFA countries.

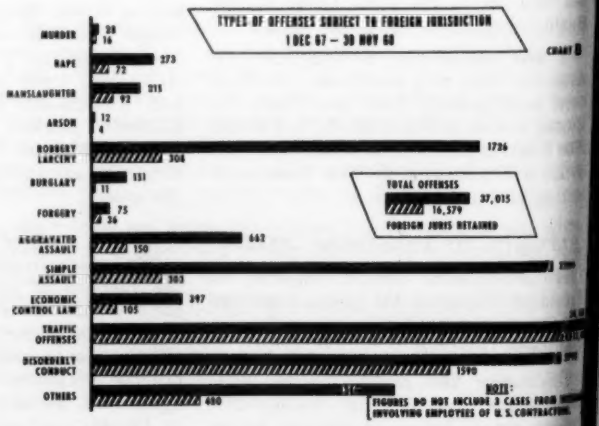

Chart B depicts the number and types of offenses subject to foreign jurisdiction during the current reporting period. 37,015 offenses were subject to foreign jurisdiction. Foreign authorities retained jurisdiction over 16,579 of these offenses, of which 13,412 or 81 per cent were traffic offenses.

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